

REMARKS/ARGUMENTS

Claims 1-16 and 19-22 are pending in the present application. Claim 1-6, 10-13, 15-16 and 19-20 were withdrawn in a previous restriction requirement. Claims 17, 18 and 22 have been cancelled. Claim 22 was rejected under 35 U.S.C. § 112 first paragraph as violating the enablement requirement. Applicant has cancelled claim 22 and considers the rejection moot. Claims 7-9 and 21 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horiuchi (USPN 4,960,365) in view of Kuragaki et al (US Publication No. 2001/0017077). Applicant respectfully disagrees and asserts the following.

Claims 7-9 and 21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Horiuchi in view of Kuragaki et al. Applicant asserts that a combination of the prior art references would not contain each and every limitation of amended claim 7 and thus amended claim 7 presents non obvious subject matter. Claim 7 has been amended to require in part "determining a slew rate of the swashplate based on the pressure signal; and displacing the swashplate." This amendment gains proper antecedent basis in the specification at page 5, lines 5-6. Horiuchi does not teach this limitation and instead teaches using a solenoid controlled valve 80 for controlling the supply of hydraulic fluid to servo cylinder 77 for controlling a swashplate 74 (Col. 12, lines 57-66).

The Horiuchi reference provides an AC signal V_a outputted from a dithered generator 12 in order to operate a solenoid controlled valve SV (Col. 5, lines 16-68). This valve is then associated with a swashplate 74 such that the valve is ultimately displaces the swashplate. A slew rate is not determined and thus the manner in which the swashplate is

displaced is different than the claimed subject matter. Consequently, Horiuchi does not teach the limitation of amended claim 7 and Applicant respectfully requests allowance of the claim.

Kuragaki does not cure Horiuchi. Specifically, Kuragaki was used for the teaching of superimposing an output signal with a dithered signal and is not directed toward a device having a swashplate. As a result, this limitation cannot be met by the Kuragaki reference and Applicant asserts that claim 7 contains non obvious subject matter.

Even if each and every limitation of amended claim 7 is considered taught by Horiuchi and Kuragaki Applicant asserts that there is no reason or motivation to combine these reference together other than using Applicant's claim in order to form a mosaic of individual parts wherein Applicant's specification is used as a blueprint using hindsight reasoning. Horiuchi is directed toward a hydraulic control apparatus for controlling electric current for exciting a solenoid of a solenoid controlled valve (Col. 1, lines 5-7). Meanwhile, Kuragaki is directed toward a controller of a vacuum break power booster for vehicles (Para. [0001]). Applicant asserts that Horiuchi would not look to Kuragaki to improve upon its hydraulic control apparatus as Kuragaki is not concerned with hydraulic controls. Similarly, Kuragaki would not look to Horiuchi to improve its controller of a vacuum break power booster as Horiuchi is not concerned with vacuum break power boosters.

The only reason to combine the teaching of Horiuchi and Kuragaki is to piece together Applicant's claimed device using the Applicant's specification as a blueprint in order to place

the individual pieces in the proper location. Applicant asserts this is improper hindsight reasoning and that there is no reason to combine the prior art references. As a result Applicant asserts independent claim 7 is non obvious. For all the above reasons Applicant respectfully requests allowance of claim 7. Additionally, claim 8, 9 and 21 depend on claim 7 and for at least this reason also considers them to be in allowable form.

CONCLUSION

If any issues remain that may be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone the undersigned at 515/558-0200. All fees or extensions of time believed to be due in connection with this response are attached hereto; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account 50-2098.

Respectfully submitted,



Timothy J. Zarley
Reg. No. 45,253
ZARLEY LAW FIRM, P.L.C
Capital Square
400 Locust Street, Suite 200
Des Moines, IA 50309-2350
Phone No. (515) 558-0200
Fax No. (515) 558-7790
Customer No. 34082
Attorneys of Record

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